

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

AMENDED CLEANUP AND ABATEMENT ORDER NO. 6-98-20A1

REQUIRING MOLYCORP, INC.;
TO CLEAN UP AND ABATE THE EFFECTS OF WASTE DISCHARGES
TO THE IVANPAH VALLEY (IVANPAH HYDROLOGIC UNIT)
FROM THE
NEW IVANPAH DISPOSAL PONDS

San Bernardino County

The California Regional Water Quality Control Board, Lahontan Region (Regional Board), finds:

1. Discharger

Molycorp, Inc. (Molycorp) operates a lanthanide mining and milling operation at Mountain Pass, San Bernardino County, which discharges wastewater to the New Ivanpah Disposal Ponds located on Ivanpah (Dry) Lake Bed (Sections 5, 8 & 9 T16N, R15E: SBB&M; San Bernardino County).

2. Cleanup and Abatement Order No. 6-98-20

On March 25, 1998, Cleanup and Abatement Order No. 6-98-20 was issued by the Executive Officer requiring Molycorp to conduct additional investigation and implement an appropriate ground water monitoring and response program. CAO No. 6-98-20 also required Molycorp to implement a Remedial Action Plan (RAP) to abate certain waste discharges to the ponds.

3. Amendment to Cleanup and Abatement Order No. 6-98-20

It is appropriate to amend certain sections of Cleanup and Abatement Order No. 6-98-20 for the purpose of allowing more time for Molycorp to incorporate specific comments into its RAP. Additional time is needed because Molycorp must address multiple agency comments prior to implementation of the RAP. It is also appropriate to require abatement of the effects of the discharge from the disposal ponds in order to stop hydraulic loading from the disposal ponds to ground water. Order No. 1 below replaces order Nos. 1 and 2 of Cleanup and Abatement Order No. 6-98-20. Order No. 3 below replaces order No. 9 of Cleanup and Abatement Order No. 6-98-20.

4. Threatened Pollution

Cleanup and Abatement Order No. 6-98-20 requires Molycorp to implement a Ground Water Monitoring and Response Program in accordance with Title 27 CCR which will contain the plume boundary and thereby cease violations and threatened violations of Basin Plan Water Quality Objectives for downgradient waters. Wastewater discharged to the New Ivanpah Disposal Ponds is percolating to the underlying ground water. Ground water has been

impacted by nitrate from waste discharges above background and may be impacted by radionuclides.

The extent of ground water impact due to waste discharges to the ponds has not been fully delineated and evaluated. Continued discharge of wastewater to the ponds will cause or threaten to cause the contaminant plume to migrate. The continued migration of the plume creates a threatened condition of pollution and/or nuisance.

5. California Environmental Quality Act

This enforcement action is being taken by this regulatory agency to enforce provisions of the California Water Code and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations (CCR).

IT IS HEREBY ORDERED that, pursuant to CWC §13267 and §13304, the Discharger shall:

1. Cease forthwith from discharging wastes from conveyance facilities (e.g. pipelines) to areas other than authorized disposal sites (as described in Board Order No. 6-90-41) and abate the broadened migration of contaminants to ground water or other potential violations of Waste Discharge Requirements by continued cessation of active waste discharge to the New Ivanpah Disposal Ponds.
2. By **November 13, 1998**, Molycorp shall submit a response to staff comments on the RAP (RAP Revision 2 dated June 1998).
3. By **April 23, 1999**, Molycorp shall provide a written Completion Report to Board staff wherein the report shall include as a minimum: (1) a description of work performed, (2) description of the methods of collection, analyses and handling of samples, (3) tabulated analytical results, (4) copies of field logs and notes, (5) maps of appropriate scale of sample location and results, (6) waste classification and disposal locations, (7) recommendations for any necessary follow-up activities, and (8) other relevant information.
4. All Orders contained in Cleanup and Abatement Order No. 6-98-20 that are not amended herein remain in effect.

The Executive Officer is authorized to name adjacent landowners or operators as Dischargers, and amend this Order naming them, if the adjacent land owners fail to provide Molycorp with full property access to allow off site investigation and routine monitoring work to proceed.

MOLYCORP, INC.
New Ivanpah Disposal Ponds
San Bernardino County

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CLEANUP AND ABATEMENT
ORDER NO. 6-98-20A1

Failure to comply with the terms or conditions of this Order will result in additional enforcement action that may include the imposition of administrative civil liability and/or referral to the Attorney General of the State of California for such legal action as he or she may deem appropriate.

Ordered by: _____
HAROLD J. SINGER
EXECUTIVE OFFICER

Dated:

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